



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUL 27 2021

MCPB No. 21-064
Preliminary Plan No. 12012002B
Pike and Rose Phase II
Date of Hearing: July 22, 2021

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on March 14, 2012, the Planning Board, by Resolution MCPB No. 12-26, approved Preliminary Plan No. 120120020, creating five lots on 24.38 acres of land in the CR-3.0 C-1.5 R-2.5 H-200 and CR-4.0 C-3.5 R-3.5 H-300 zones, located on the north side of Old Georgetown Road, between Rockville Pike and Towne Road ("Subject Property"), in the White Flint Policy Area and 2010 White Flint Sector Plan ("Sector Plan") area; and

WHEREAS, on November 15, 2013, the Planning Board approved an amendment to Preliminary Plan No. 120120020 (MCPB No. 13-133) to resubdivide and reconfigure five lots into 14 lots and three private road parcels to be platted in phases on the Subject Property; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 ("Subdivision Regulations"); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant's option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, on March 29, 2021, Federal Realty Investment Trust ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plans to change the use of a previously approved residential building to

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

commercial and adjust a lot line to accommodate the revised building design on the Subject Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12012002B, Pike and Rose Phase II ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect on March 14, 2012; and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 9, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 22, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12012002B to change the use of a previously approved residential building to commercial and adjust a lot line to accommodate the revised building design by *adding and modifying* the following conditions:¹

Modified Conditions

21. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services ("MCDPS") stormwater management concept approval letter dated January 20, 2012 and updated on June 4, 2021. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of Preliminary Plan approval.
35. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 30, 2013 and updated on May 3, 2021 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

Added Condition

39. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Fire Department Access and Water Supply Section in its letter dated May 14, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

3. The size, shape, width and orientation of the proposed lots are appropriate for the location of the subdivision and for the uses contemplated.

Lot lines have been reconfigured to accommodate the new biotech building, but the lot line changes do not affect the functionality or design of the project. Therefore, the Planning Board finds that the lots are of the appropriate size, shape, width, and orientation for the project. The location and uses are appropriate in that this area was designated as an urban area in the Master Plan, and this subdivision establishes an urban grid as envisioned by the Master Plan. The proposal remains in conformance with all applicable sections of the Subdivision Regulations.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.

The Montgomery County Department of Permitting Services approved a preliminary stormwater management concept for the entire site at the time of the original preliminary plan approval. The revised stormwater management concept has been reviewed and approved by MCDPS, and the proposed Amendment meets all applicable stormwater management requirements.


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is 'JUL 27 2021' (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, July 22, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board